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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

PATRICK M. BLANCHARD

INSPECTOR GENERAL

69 West Washington  
Suite 1160  
Chicago, Illinois 60602  
TEL (312) 603-0350  
FAX (312) 603-9948

June 24, 2011

**CONFIDENTIAL**

Honorable Toni Preckwinkle  
and Members of the Cook County Board of Commissioners  
118 North Clark Street  
Chicago, Illinois 60602

Re: OIIG Summary Report No. IIG-10-0032 (Child Support Compliance Enforcement)

Dear President Preckwinkle and Commissioners:

This letter is written in accordance with Section 2-289(c)(2) of the Independent Inspector General Ordinance, Cook County, Ill., Ordinances No. 07-0-52 (2007) (OIIG Ordinance). In an effort to support the mission of Cook County government, this office has reviewed the County's Child Support Enforcement Ordinance (CSEO) as found in Article V, Section 34-366 et seq. of the Cook County Code of Ordinances.

**Summary**

As part of this investigation, this office conducted an analysis of the Child Support Enforcement Ordinance, in particular, as it relates to child support compliance as a condition of employment. (Sec. 34-370) Through the Child Support Enforcement Ordinance, the County has established a goal of ensuring that all individuals who benefit financially from the County through both contract and employment are in compliance with court-ordered child support obligations. This statement is made to apprise you of our findings and our recommendations for remedial consideration with respect to child support compliance.

**OIIG Findings and Recommendations**

A review was conducted of the CSEO as part of an investigation regarding the employment status of a County employee. This review was conducted, in part, to address concerns related to whether the CSEO successfully ensures that job applicants with outstanding child support obligations are current with their court ordered child support obligations prior to their employment with the County. Based on our review, it has been determined that although the Ordinance provides for an enforcement mechanism, its reach is insufficient. Specifically, the Child Support Enforcement Coordinator does not presently have the authority to ensure that child support compliance is a condition of County employment. The Ordinance as presently drafted, empowers the Child Support Enforcement Coordinator to determine whether businesses and vendors who seek to do business with the County are compliant with any child support obligations, but not prospective employees. Moreover, it is recommended that the Ordinance be



amended such that continued County employment is contingent upon child support compliance for existing employees subject to child support orders.

Section 34-370, Child Support Compliance a Condition of Employment, states:

The County Comptroller shall review the records of the appropriate child support enforcement agent of the State of Illinois IV-D Child Support Enforcement Program (the "IV-D Agent") to determine whether any employee has delinquent child support. The review may occur electronically, and must be performed not less than monthly. If the Comptroller determines that the name and/or address or other pertinent individual data of any County employee appear within the records of the child support enforcement agent, and is indicated therein as delinquent or in arrears, the Comptroller shall notify the appropriate child support enforcement agent of the current employment status of that County employee. The Comptroller shall comply with all court-ordered wage garnishments pertaining to sums due and owed by employees of the County for child support.

Section 34-370 requires that the County Comptroller review records of all employees, including new hires for compliance with all court ordered child support orders every thirty (30) days. Presently, this process is performed electronically with all employee data being forwarded to Bank of America, where wage garnishments for child support are completed. Additionally, employee information is forwarded to the Illinois State Disbursement Unit (SDU), where a computerized scan is performed to determine if there are any current employees with outstanding child support obligations on payroll. The court order is sent to the Comptroller's Office where the process by which wages are garnished is initiated.

In order to bolster Section 34-370, it is recommended that the County revise the CSEO so that as a condition to an offer of employment, every candidate must file an "Affidavit of Child Support Obligations" with the Child Support Enforcement Coordinator disclosing any unpaid child support obligations they owe. This Affidavit should be filed prior to the candidate being hired and be verified for accuracy by the County. This new language would empower the Child Support Enforcement Coordinator to not only screen all individuals seeking to do business with the County or obtain a privilege, but also screen all potential employees seeking employment with the County. This new language would mirror the language found in the City of Chicago Municipal Ordinance which affirmatively states that as a precondition of city employment, all employees must be up to date with any child support obligations. Presently, candidates are under no such obligations to affirmatively disclose unpaid child support obligations, if any, and the burden to discover any child support obligations owed by an employee is left to the County. Furthermore, as the ordinance is presently written, continued employment with the County is not conditioned upon child support compliance. This is also an issue for consideration.

To address these concerns, we propose that the amended language substantially mirror the language found in the City of Chicago Ordinance regarding child support compliance. MCC 2-152-155. Section 34-370 of the Cook County ordinance would be amended to read as follows:

**Section 34-370. Child Support Compliance a Condition of Employment**

(a) Every person who is given an offer of employment with the County shall file an affidavit with the Child Support Enforcement Coordinator disclosing any unpaid court-ordered child support obligations owed by the applicant, and including the court number of their child support case and the county and state in which the child support case is pending.

(b) Where an applicant's affidavit discloses, or the Child Support Enforcement Coordinator otherwise determines, that an applicant owes any unpaid court-ordered child support, such applicant shall only be hired by the County on the condition that he or she establishes one of the following within six months of the start of employment:

- (1) the applicant has paid to the obligee all child support due under the court order, as evidenced by a certified court order or official clerk's record that no support is due and owing; or
- (2) the applicant has entered into a court- approved agreement for the payment of all child support owed and is in compliance with that agreement; or
- (3) the applicant is not an obligor under a court-ordered child support obligation.

Failure to establish one of the above criteria within six months of the start of their employment shall be grounds for discharge from employment with the County.

(c) In addition, all new and existing County employees must take all steps within their power to ensure that an income withholding notice for any current, ongoing child support obligation has been served upon the County and amounts are being deducted from their salary or wages in compliance therewith.

(d) All County employees must comply with all court-ordered child support obligations as a condition of employment. Noncompliance shall be grounds for discipline, up to and including discharge.

(e) The Child Support Enforcement Coordinator is further authorized to do the following:

- (1) investigate the child support payment records of employees and applicants to determine compliance with court-ordered child support obligations;
- (2) provide information on employees and applicants to the appropriate Cook County and State of Illinois governmental entities, to the extent allowed by law, to assist those offices in enforcement of child support obligations;
- (3) provide the names and business addresses of employees to persons seeking to enforce court- ordered child support orders and child support withholding

notices, and their legal representatives, to the extent allowed by law, on the condition that such information be used solely for the purpose of assisting in child support enforcement; provided that the names and identifying information of persons seeking to enforce child support orders shall be deemed confidential; and

(4) promulgate regulations relating to the operation of this section.

(d) The County Comptroller shall review the records of the appropriate child support enforcement agent of the State of Illinois IV-D Child Support Enforcement Program (the "IV-D Agent") to determine whether any employee has delinquent child support. The review may occur electronically, and must be performed not less than monthly. If the Comptroller determines that the name and/or address or other pertinent individual data of any County employee appear within the records of the child support enforcement agent, and is indicated therein as delinquent or in arrears, the Comptroller shall notify the appropriate child support enforcement agent of the current employment status of that County employee. The Comptroller shall comply with all court-ordered wage garnishments pertaining to sums due and owed by employees of the County for child support.

We believe the foregoing amendments would serve the goal of ensuring that those who benefit financially from the County are in compliance with their obligations to support their children, families, and the law. If you should have any questions, please do not hesitate to contact me at any time. Thank you for your time and consideration.

Very truly yours,



Patrick M. Blanchard  
Independent Inspector General

cc: Mr. Kurt Summers, Chief of Staff  
Ms. Laura Lechowicz Felicione, Special Assistant to the President  
Ms. Robin Kelly, Chief Administrative Officer  
Ms. Constance Kravitz, Comptroller